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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition No. 14 of 2002

Petitioners

1) Ram Narayan S/o. Narbada, aged about 35 years, R/o. Village – Prem Nagar, Tahsil Soorajpur, Sarguja.

2) Hukum Sai S/o. Sukhram, aged about 35 years, R/o. Village Prem Nagar, Tahsil – Soorajpur,

3) Revti Raman S/o. Sunder Sai, aged about 34 years, R/o. Village Prem Nagar, Tahsil – Soorajpur, Sarguja.

4) Bhaiyalal S/o. Ramkumar, aged about 37 years, R/o. Village Prem Nagar, Tahsil Soorajpur, Sarguja.

5) Deodhari, S/o. Budhram, Aged about 40 years, R/o. Village Prem Nagar, Tahsil Soorajpur, Sarguja.

6) Shivram S/o. Budhram, Aged about 39 years, R/o. Village Prem Nagar, Tahsil Soorajpur, Sarguja.

7) Laxman S/o. Pavan Kumar, aged about 36 years, R/o. Village Prem Nagar, Tahsil Soorajpur, Sarguja.

8) Baijnath S/o. Ramkhelawan, Aged about 45 years, R/o. Village Prem Nagar, Tahsil Soorajpur, Sarguja.

9) Sitaram S/o. Ramkhelawan, Aged about 45 years, R/o. Village Prem Nagar, Tahsil Soorajpur, Sarguja.

10) Sooraj S/o. Shobhit, aged about 44 years, R/o. Vkillage Prem Nagar, Tahsil Soorajpur, Sarguja

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Versus

Respondents

1) State of Chhattisgarh, through Collector, Sarguja.

2) Dwarika S/o. Deogeer, Aged about 52 years, R/o. Village Prem Nagar, Tahsil Soorajpur, Sarguja.

3) Kishori S./o. Dwarika, aged about 38 years, R/o. Village Prem Nagar, Tahsil Soorajpur, Sarguja.

4) Banwari, S/o. Deogeer, Aged about 50 years, R/o. Village Prem Nagar, Tahsil Soorajpur, Sarguja.

5) Bhandari S/o. Deogeer, Aged about 55 years, R/o. Village – Prem Nagar, Tahsil Soorajpur, Sarguja.

6) Sub Divisional Magistrate, Soorajpur, Sarguja.

(Writ Petition under Article 227 of the Constitution of India for issuance of a writ of certiorari, prohibition, mandamus etc. and/or for further appropriate directions or orders)

SB: Hon'ble Shri Justice Satish K. Agnihotri

Present:

Shri Prashant Jayaswal, Sr. Advocate with Shri Ali Asgar, counsel for the petitioners.
Shri V.V.S. Murthy, Dy. Advocate General for respondents No.1 & 6 State.
Shri Ashok Kumar Shukla, counsel for respondents No. 2 to 5.

ORAL ORDER
(Passed on 26th April, 2007)

Learned counsel appearing for the petitioners submits that the dispute with regard to possession of the property in dispute in respect of 5.695 hectares of land situated in Patwari Halka No.97 of village Prem Nagar, was considered by Sub Divisional Officer under the provisions of Section 145 of the Code of Criminal Procedure, and, thereafter in the

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Court of Additional Sessions Judge, Sarguja. The matter was dismissed by the Additional Sessions Judge, Sarguja, as not maintainable.

2) Be that as it may, learned counsel appearing for the petitioners submits that the dispute cannot be resolved in the present proceeding. The petitioners be granted liberty to take recourse to appropriate forum.

3) In view of the above statement made by learned counsel appearing for the petitioners, this petition is disposed of with liberty to take legal recourse to the forum that may be available to them. The petitioners are further at liberty to point out pendency of this petition while making an application for condonation of delay, if any.

Sd/-
Satish K. Agnihotri
Judge